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*Plaintiffs' Interim Co-Lead Counsel*

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTHERN CALIFORNIA  
SAN JOSE DIVISION**

## IN RE: LENOVO ADWARE LITIGATION

## This Document Relates to All Cases

Case No. 5:15-md-02624-RMW

**STIPULATION AND [PROPOSED] CASE  
MANAGEMENT ORDER NO. 4**

1       The initial pre-trial schedule in this matter was set forth in the Court's September 1, 2015  
2 Order. *See* Dkt. No. 85. On October 7, 2015, the parties jointly requested an extension of the deadlines  
3 for plaintiffs to file their consolidated complaint and for defendants to file their motions to dismiss.  
4 The stipulation did not request that any other pre-trial dates be extended. The stipulation was so  
5 ordered by the Court the same day. *See* Dkt. No. 90.

6       Plaintiffs filed their consolidated complaint on November 12, 2015. *See* Dkt. No. 96. During  
7 this same period, plaintiffs and Superfish were negotiating the terms of proposed settlement and then  
8 documenting that settlement.

9       On January 21, 2016, Lenovo moved to dismiss the consolidated complaint. *See* Dkt. No. 98.  
10 Superfish did not file a responsive pleading. Instead, the Court permitted a stay of all deadlines as to  
11 Superfish pending the filing of a settlement agreement. *See* Dkt. No. 102. On February 11, 2016,  
12 plaintiffs and Superfish filed their settlement agreement along with a joint motion to stay the litigation  
13 against Superfish in light of the proposed settlement. The stipulation was so ordered by the Court on  
14 March 4, 2016. *See* Dkt. No. 111.

15       The settlement required Superfish to cooperate with and provide relevant information to  
16 plaintiffs. Additionally, Lenovo expected that it would be producing additional documents. Taking  
17 into consideration the volume of anticipated discovery, the parties agreed that extending certain  
18 deadlines was warranted. Plaintiffs and Lenovo filed a stipulation requesting adjustments to the pre-  
19 trial schedule. The Court entered the revised schedule on March 4, 2016. *See* Dkt. No. 110.

20       On April 1, 2016, the Court held a hearing on Lenovo's motion to dismiss. Following the  
21 hearing, counsel for Lenovo and counsel for the plaintiffs met and conferred regarding the pre-trial  
22 schedule. Plaintiffs are continuing to review the materials provided by both Superfish and Lenovo, and  
23 plaintiffs and Lenovo are in the early phases of selecting and working with their respective experts.  
24 Lenovo and plaintiffs believe that an extension of the deadlines in the pre-trial schedule will allow  
25 important progress to be made on these discovery tasks prior to the class certification briefing. An  
26 extension will also allow the parties to litigate class certification with the benefit of the Court's ruling  
27 on the motion to dismiss.

1 NOW THEREFORE, the parties, by and through their respective counsel of record, hereby  
2 stipulate as follows:

3 1. The date by which plaintiffs file their class certification motion shall be extended from  
4 May 6, 2016 to June 21, 2016;

5 2. The non-expert discovery cut-off shall be extended from July 27, 2016 to August 24,  
6 2016;

7 3. The date by which expert reports are served shall be extended from August 26, 2016 to  
8 September 23, 2016;

9 4. The date by which opposition expert reports are served shall be extended from  
10 September 26, 2016 to October 24, 2016;

11 5. The date by which reply expert reports are served shall be extended from October 17,  
12 2016 to November 7, 2016; and

13 6. The date by which summary judgment/dispositive motions are filed shall be extended  
14 from November 11, 2016 to December 2, 2016.

15 SO STIPULATED.

16  
17 Dated: April 14, 2016

**PRITZKER LEVINE LLP**

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23 Counsel for Defendant Lenovo

## **PROPOSED ORDER**

Pursuant to Stipulation, it is SO ORDERED.

DATED: 4/28/2016

Ronald M. Whyte  
HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT COURT JUDGE

## ATTESTATION

I, Elizabeth C. Pritzker, am the ECF user whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that all other signatories listed have concurred in this filing.

/s/ Elizabeth C. Pritzker

Elizabeth C. Pritzker